THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 13544 of 2006

Dated: 07.07.2006

Between:

M/s. Sri Bhasker Cycles,
Eluru Road, Governerpet,
Vijayawada.

..... PETITIONER

AND

The Additional Commissioner (CT) Legal,
O/o. Commissioner of Commericial Taxes,
Nampally, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 13544 of 2006

ORDER:- **(PER THE HONOURABLE JC,J)**

Aggrieved by the decision of the 1st respondent in declining to grant stay of recovery of the penalty pursuant to the decision of the 2nd respondent dated 27.04.2006 during the pendency of the petitioner's appeal before the 2nd respondent, the present writ petition is filed.

It is brought to our notice by the learned counsel appearing for the petitioner and the learned Government Pleader with reference to the same petitioner that for a two different assessment years, earlier two writ petitions were admitted by this Court being WP.Nos.13469 of 2006 and 13483 of 2006 and interim

orders were granted directing stay of recovery of the penalty during the pendency of the appeal before the 2nd respondent on condition the petitioner deposits 1/4th of the penalty amount. However, both the learned counsel in the present case submits that with the similar direction as one mentioned earlier, the present writ petition can be disposed of.

In the circumstances, the writ petition is disposed of directing the respondents not to recover the penalty referred to earlier during the pendency of the appeal before the 2nd respondent on condition the petitioner deposits 1/4th of the penalty amount within a period of four weeks from today.

The writ petition is accordingly disposed of. No order as to costs.

_____

J.CHELAMESWAR, J

_____

D. APPA RAO, J

Date: 07.07.2006
ES